

# LAND USE IN MICHIGAN KEY DEVELOPMENTS

A Presentation to the United  
Growth for Kent County Coalition's  
Land Use Networking Luncheon

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Grand Rapids, Michigan

# STATE SENATOR PATTY BIRKHOLZ

- Chair of the Senate Natural Resources Committee
- Great Lakes Commission appointee by the Senate Majority Leader
- Member -- Land Use Leadership Council
- Founder of the Great Lakes Legislative Caucus

# LAND USE REFORM IS NOT A NEW TOPIC!

- Governor Milliken's strong emphasis on land use in the 1970's.
- Governor John Engler commissioned a study of the various environmental risks facing Michigan in 1992.
- House Republican Task Force on Land Use in 1994.
- Senate Republican Report on Land Use reforms in 1995.
- The Natural Resources Commission under the leadership of Marty Fluharty also studied and made broad recommendations.

# LAND USE REFORMS SPURRED BY BOTH ENVIRONMENT AND ECONOMY



- Conclusion of these groups and individuals is that land use reforms are necessary to protect both the environment and a sustainable economy.



# COST TO THE ENVIRONMENT

- Governor Engler's Relative Risk Analysis Project; "one of the highest risks to Michigan's natural resources was the lack of a comprehensive land use strategy."
- "Absence of such a strategy threatens Michigan's unique and sensitive lands and impacts dependent habitat and water quality."

# COST TO THE ECONOMY

- This same Relative Risk Analysis demonstrated how sprawl contributes to a growing economic dilemma.
- The report placed a heavy emphasis on "the cost of duplicate and wasteful investment in such things as roads, sewers and schools."

# CURRENT LAND USE TOOLS

- A number of various land use statutes exist today (such as):

**Wetland Protection Act**

**Sand Dune Protection Act**

**Natural Rivers Act**

**Soil Erosion Sedimentation Control Act**

- But they only give us a patchwork approach to land use.
- Lacking is a coordinated strategy to map out a plan to conserve our natural resources!

# COORDINATED PLANNING ACT

- Adopted principally to encourage, NOT REQUIRE, local units of government to work together to share information and do "solution-finding".
- Common sense reform -- one of those where you just ask yourself "why aren't we doing this already?"
- Facilitates regional, resource-based approach to land use planning.



# LAND USE LEADERSHIP COUNCIL (LULC)



- In March of 2003, Governor, Senate Majority Leader, and Speaker of the House came together to create a broad-based council to provide direction for land use reforms.
- Significant because of the diverse nature of membership!

# SAMPLE MEMBERSHIP OF LULC

- William Milliken -- Former Governor (Co-Chair)
- Frank Kelley -- Former Attorney General (Co-Chair)
- Jim Barrett -- Michigan Chamber of Commerce
- Keith Charters -- Natural Resources Commission
- Robert Jones -- Michigan Homebuilders
- Hans Voss -- Michigan Land Use Institute
- Chris MacInnes -- Crystal Mountain Resort
- Dan Kildee -- Genesee County Treasurer
- Dan Gilmartin -- Michigan Municipal League
- Gil White -- Michigan Association of Realtors
- State Legislators—bicameral and bipartisan:
- Senator Patty Birkholz (Saugatuck Twp), Senator Liz Brater (Ann Arbor), Representative Ruth Johnson (Oakland County) and Representative Chris Kolb (Ann Arbor)
- Several Key State Department Directors

# MORE THAN 30 BILLS HAVE BEEN PASSED AS A RESULT OF THE LULC

- CMI/Brownfield development -- **PA 252 of 2003 and PA 253 of 2003**--Establishing a Clean Michigan Initiative revolving loan program to accelerate the cleanup of abandoned brownfield sites.
- Forestry Initiative --**PA 123-125 of 2004**--Implementing forest management changes to protect the environment and create new job opportunities in Michigan's timber industry.

# KEY LEGISLATION (CONTINUED)

- Land Bank Fast Track -- **PA 258-263 of 2003** Aids urban redevelopment by establishing an authority to clear property titles and move tax reverted property to private ownership.
- Improved Zoning – **PA 316-320 of 2003 and PA 226 of 2003** -- Quality of Life Zoning Violations legislation makes it easier for communities to cleanup blighted properties through administrative hearings rather than seeking a court order.
- Joint Planning Commissions--**PA 226 OF 2003**--allows neighboring communities and municipalities to form joint planning commissions to better coordinate regional zoning efforts.



# KEY LEGISLATION (CONTINUED)

- Principal Shopping Districts -- **PA 209 of 2003** provides cities with tools they need to make improvements to certain areas in order to improve local business retail climate.
- Planned Unit Development -- **PA 227-229 of 2003**-- allows a municipality to approve a planned unit development with open space not connected to the development.
- Streamline Plat Review Process under Land Division Act - **PA 525 of 2004**-- - will shorten plat review and approval time, concurrence of approvals from appropriate departments.

# NEW KEY REFORMS



- County Road Commissions can't unilaterally rule out use of cul de sacs, therefore they can be used to help preserve green spaces and natural resources in subdivisions-- **PA 336 of 2006**

# More New Reforms

- **PA 110 of 2006**— Consolidates all local zoning acts in a Coordinated Act—effort to make city, township and county zoning laws consistent with one another. This new law is undergoing some changes—expect a rewrite later this year
- **SB 683**— Will do the same with the local planning acts.

# KEY NEW REFORMS (CONTINUED)

- **PA 276 of 2006**— Requires school districts to submit their building plans to local zoning boards to encourage more coordinated development.
- **PA 307 and 308 of 2006**-- Protecting our state parks and wilderness areas—no DNR sale without legislative approval!





# ANNEX 2001 -- MICHIGAN HAS MUCH AT RISK IN ENSURING INTEGRITY OF THE GREAT LAKES BASIN



# ANNEX 2001

- Federal Law gives each Great Lakes Governor sole veto authority over Great Lakes diversions.
- But we also need to craft new protections to guard against lawsuits and “federalization” of our waters.
- Annex 2001 is a fluid, ongoing process – we need to remain engaged!
- We have held hearings and have submitted testimony and our recent water withdrawal laws are a big step, but more needs to be done!

# MY GREAT LAKES "PLEDGE"

- No sacrificing state sovereignty over our lakes
- No dilution in our diversion authority!
- Waters will be kept open and accessible to Michigan citizens!





# THE FUTURE OF LAND USE REFORMS





# Workgroups Now Meeting:

- Consolidation of Local Planning Act (SB 684).
- Septic Tank Oversight (SB 71).
- Procedural Issue: Transfer local planning to coordinated planning.

# Discussions Occurring on:

- Incentivizing Revenue Sharing.
- Coordinated Services and Infrastructure



# MUCH DEPENDS UPON OUR CITIZENS!

- There is an inherent threat in forgotten promises -- must keep alive the momentum that has been generated.
- Can't neglect this important task -- without a continued focus, key reforms in law will not be as effective.
- Important drive will come from both environmental and business groups if we do our job right!

# MUST HAVE MECHANISMS TO CONTINUE THE WORK OF THE LULC

- Will convene a special workgroup with all appropriate interest groups to review LULC with an eye on where we have been and where we still need to go! Legislation has been introduced to carry forward the recommendations of the Council—SB 684 will create the Council in statute!
- This effort will not be wasted -- we will take action and will continue to focus on key reforms that protect our natural resources and our economy!



# THANK-YOU!

Please feel free to contact me at  
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# Key Web sites for Further Information

- Michigan Government -- [www.michigan.gov](http://www.michigan.gov)
- Land Use Leadership Council -- [www.michiganlanduse.org](http://www.michiganlanduse.org)
- Great Lakes Commission -- [www.glc.org](http://www.glc.org)
- Annex 2001  
<http://www.cglq.org/1projects/water/Annex2001Implementing.asp>

Great Lakes Conservation Task Force Report—  
available through Senator Birkholz' office.